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File Personnel-11

MEMORANDUM FOR: Deputy Director for Administration

FROM : F. W. M. Janney
Director of Personnel

SUBJECT : Grievance Procedures

REFERENCES : (a) Memo for DDCI fr IG dtd 15 Aug 78, subj:
Suggested Changes in Grievance Handling
Procedures
(b) Informal note fr Secretary, EAG dtd 28 Aug 78
re reference (a)

Jack:

Attached is a proposed response, if one is required, on the IG paper proposing changes in the Grievance Handling Procedures. We note the Grievance proposal will be discussed in conjunction with the Channel of Dissent at an EAG meeting. We have not included comments on the Dissent matters inasmuch as OP had not been involved in the earlier memoranda nor the EAG discussions.

For the record, however, it is our feeling the problems should be addressed . . . and solved . . . separately. There may be a few rare instances where the situations overlap, but a dissent channel is normally associated with disagreement with policy or substantive matters and the grievance procedures are addressed to individual concerns with conditions of employment and the working environment.

As background to any IG discussion on Grievances, you should be aware that when [redacted] was originally revised by the Office of Personnel in February 1977, it was the IG [redacted] who insisted on the deletion of the section which itemized matters which could not be grieved. The proposed exclusions from the system were:

- a. Any matter for which an independent channel has been established by statute or regulation for adjudication.
- b. The content of published Agency policy.

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- c. Any judgment of a Personnel Evaluation Board or Panel in ranking or selecting employees for promotion on basis of merit.
- d. Any decision relative to employee assignments or transfer which are ordered in accordance with regulations.
- e. Any nonadoption of an employee suggestion or any disapproval of a discretionary award such as a QSI.

The Civil Service and State Department have these same elements excluded from their grievance system. We have no idea how many of the complaints received by the IG cover these areas, but we suspect they are significant. The reasoning of the IG in deleting these exclusions from the proposed regulation was that "these are the things employees want to grieve". The IG system has encouraged the filing of complaints viz the true grievances which should be the matters of concern for management review. It was also on IG insistence that emphasis was given to direct contact with that office without any requirement for component or other level review or consideration. A sidelight on the original IG position: Breckenridge protested the requirement for the formal grievance in writing as the IG's office often prepares the grievance claim, writing and typing it for the individual. As Ambassador Silverman says " . . . hang out a shingle, you'll get business". We read the Ambassador's words as cautionary to the IG approach rather than endorsing it.

The Director of Personnel must not be removed from the process for the reasons cited in the proposed memorandum for the EAG, and we believe yet another Panel to review employee matters, at any level, is an unnecessary superstructure. There is no reason why a Directorate level Grievance Officer, a good idea and one which the IG recommends in addition to the Grievance Board, is incapable of arriving at an equitable and acceptable solution. In our experience, a Board, particularly of the level proposed by the IG, would bring no more background or expertise to bear than the person who has done the research and presumably has the broad experience. There are numerous problems with the proposal for a Board, in addition to Ambassador Silverman's view that it would be cumbersome and expensive. The Directorate Grievance Officer is an advisor to the Deputy Director; the Board is also an advisor to the Deputy Director with the added fillip of possibly having used the services of the Directorate Grievance Officer, who presumably had advised the Deputy Director previously, as a staff officer to provide the research results . . . the same as those supporting the earlier Directorate decision! Another problem: the Board as an advisor to the Deputy Director, submits a recommendation; if it is not accepted, the Deputy Director or the grievant may appeal to the DCI. This doesn't read as a recommendation; it reads as an order to the Deputy Director and I question the propriety

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of having a Board with membership from other Directorates as well as a member of the parent Directorate, instructing (ordering) a Deputy Director on how to solve a problem. Frankly, it all sums up to a proposal not very well thought out. If the Board advice is in disagreement with the prior findings and decision of the Directorate, we have an adversarial situation; if it agrees with the original findings, the grievant will see it as more "establishment" message, and will appeal to the DCI anyway.

We find the IG tends to rely on panels for solving problems or perceptions of problems. He recently had a paper with the DCI on the three-year trial period. Having investigated the procedures and found no identifiable holes in the system, he recommended to the DCI that he (the DCI) establish an Agency-wide requirement that each probationary (e.g., trial period) employee be reviewed by a Directorate Panel before the end of the third year of the period. This has now been approved--and OP, not having been consulted, will have to work out the process.

Frankly, I find the IG approach to a problem of their own creation ponderous and self-serving. The contact with other agencies is insulting to this one and indicative, once more, of a lack of appreciation, if not comprehension, of the Agency's personnel management system, albeit not always used as it should be. Rather than more Panel and review structures, the DDCI should insist the system designed to best serve the Agency, employees and management, be used by employees and management. More superstructure is not the way to go.

STATINTL


F. W. M. Janney

Att.

As Stated

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